

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

In re MASAKI MORIMATSU et al.)

Application No. 09/723,016)

Filed: November 27, 2000)

Appeal No. 2006-0787)

MAILED

APR 3 - 2006

PAT & TM OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER GRANTING REQUEST TO RESET HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for April 5, 2006. The notice setting the hearing was mailed to Applicants on February 23, 2006. The date Applicants received the notice is not apparent from the record. On March 28, 2006, a facsimile letter was received wherein Applicants requested that the oral hearing be adjourned. The request has been granted.

According to counsel, due to health concerns:

[He has] an appointment with the Surgeon tomorrow and it appears that surgery is extremely likely to prevent [his] attendance or even argue the cases over the telephone.

Counsel further requests that the hearing be postponed until such time that he will be able to personally attend.

For the reasons given above, it is:

Ordered that the request to reschedule the hearing to a date after April 5, 2006, is granted, and that a new date for the oral hearing will be sent to Applicants in due course.

The new date shall not exceed more than three (3) months from the date of the previously set hearing date. If counsel believes that his health would still not permit him to make an appearance by that time, consideration should be made to retaining an associate counsel to represent the Applicants at the Oral Hearing. No further request for postponement will be permitted. Any further request for postponement will be treated as a waiver of the Request for Oral Hearing.

BOARD OF PATENT APPEALS
AND INTERFERENCES



CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

FAX DATE : March 29, 2006
FAX PHONE: 979-760-9532

Ernest A. Beutler, Esq.
10 Rue Marseille
Newport Beach, CA 92660

SIMTEK5667


IN THE UNITED STATES PATENT OFFICE

In re Application of
Masaki Morimatsu et al

App. No.: 09/723016
Filed: 11/27/2000
Conf. No.: 5642
Appeal No. 2006-0787
Title: COMPONENT OF A ROTATING ELECTRICAL
MACHINE
Examiner: K. Addison
Art Unit: 2834

I hereby certify that this correspondence and all
marked attachments are being deposited with
the United States Patent Office via fax to
(571) 273-8300 and (571) 273-0299 on:

March 28, 2006


Ernest A. Beutler
Reg. No. 19901


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR POSTPONMENT OF ORAL HEARING

Dear Sir:

This case is now set for an Oral Hearing on April 5, 2006 along with another application of the Assignee, Serial Number 09/ 778338, Appeal Number 2006-0859 and the undersigned confirmed his intention to appear to argue both cases on March 6, 2006. At that time the undersigned had been diagnosed as having a cancerous growth on a lobe of one lung and had already started chemo therapy for its treatment. At a consultation with the treating doctor yesterday I was instructed to have the growth removed surgically as soon as possible. I have an appointment with the Surgeon tomorrow and it appears that that surgery is extremely likely to prevent my attendance or even argue the cases over the telephone. Thus in order to try to inconvenience the Board as little as possible, I am now requesting a postponement of both hearings and I will advise the Board as soon as I am sure of the earliest date I will be able to personally attend.

Respectfully submitted:


Ernest A. Beutler
Reg. No. 19901

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Pacific Time

Confirmation Report - Memory Send

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